CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper, together with all enclosures identified herein, are being deposited with the United States Postal Service as first class mail, addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on or before May 28, 2010.

5.27.10
Date

William L. King III

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Tonar et al.
Examiner	:	Alicia Toscano
Serial No.	:	10/085,434
Group Art Unit	:	1796
Confirmation No.	:	4510
Filed	:	February 28, 2002
Attorney Docket No.	:	GEN-001323 C3 (AUTO 199 608 C3)
Title	:	ELECTROCHROMIC LAYER AND DEVICES COMPRISING SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AFFIDAVIT OF WILLIAM L. TONAR UNDER 37 C.F.R §1.131

I, William L. Tonar, to the best of my knowledge, hereby swear that the following statements are truthful and accurate:

1. I am presently employed, as Vice President of Advanced Materials and Process Development, by Gentex Corporation, the Assignee of the above-identified patent application.

2. I am one of the co-inventors of the subject matter claimed in the present application. Accordingly, I have personal knowledge of our conception and diligent reduction to practice of the subject matter claimed in the present application.

3. At least as early as June 21, 1994, we conceived the subject matter claimed in the present application, including a method for preparing an electrochromic device, comprising the steps of: (a) providing a first substantially transparent substrate having an outer surface and an inner surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (b) providing a second substrate having an inner surface and an outer surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (c) providing an electrochromic medium contained within a chamber positioned between the first and second substrates which comprises: (1) at least one solvent; (2) at least one electrochromic material; and (3) at least one of a cross-linked matrix, a free-standing gel, and a substantially non-weeping gel; and (d) wherein the step of providing the electrochromic medium includes the step of cross-linking preformed substantially non cross-linked polymer chains having a molecular weight of at least approximately 1,000 daltons.

4. At least as early as July 21, 1994, we diligently reduced to practice the subject matter claimed in the present application, including a method for preparing an electrochromic device, comprising the steps of: (a) providing a first substantially transparent substrate having an outer surface and an inner surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (b) providing a second substrate having an inner surface and an outer surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (c) providing an electrochromic medium contained within a chamber positioned between the first and second substrates which comprises: (1) at least one solvent; (2) at least

one electrochromic material; and (3) at least one of a cross-linked matrix, a free-standing gel, and a substantially non-weeping gel; and (d) wherein the step of providing the electrochromic medium includes the step of cross-linking preformed substantially non cross-linked polymer chains having a molecular weight of at least approximately 1,000 daltons.

5. At least as early as June 21, 1994, we conceived the subject matter claimed in the present application, including a method for preparing an electrochromic device, comprising the steps of: (a) providing a first substantially transparent substrate having an outer surface and an inner surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (b) providing a second substrate having an inner surface and an outer surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (c) providing an electrochromic medium contained within a chamber positioned between the first and second substrates which comprises: (1) at least one solvent; (2) at least one electrochromic material; and (3) at least one of a cross-linked matrix, a free-standing gel, and a substantially non-weeping gel; and (d) wherein the step of providing the electrochromic medium includes the steps of cross-linking and forming polymer chains, and wherein the steps of cross-linking and forming the polymer chains do not occur in substantially the same reaction.

6. At least as early as July 21, 1994, we diligently reduced to practice the subject matter claimed in the present application, including a method for preparing an electrochromic device, comprising the steps of: (a) providing a first substantially transparent substrate having an outer surface and an inner surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (b) providing a second substrate having an inner surface and an outer surface, wherein an electrically conductive material is applied to at least a portion of the inner surface; (c) providing an electrochromic medium contained within a chamber positioned

between the first and second substrates which comprises: (1) at least one solvent; (2) at least one electrochromic material; and (3) at least one of a cross-linked matrix, a free-standing gel, and a substantially non-weeping gel; and (d) wherein the step of providing the electrochromic medium includes the steps of cross-linking and forming polymer chains, and wherein the steps of cross-linking and forming the polymer chains do not occur in substantially the same reaction.

7. At least as early as June 21, 1994, we conceived the subject matter claimed in the present application, including a method for preparing an electrochromic device, comprising the steps of: providing at least one substrate; and providing a substantially non-weeping gel, wherein the substantially non-weeping gel results from cross-linking polymer chains having a molecular weight of at least approximately 1,000 daltons, and wherein the polymer chains are formed prior to cross-linking by polymerization of at least one monomer.

8. At least as early as July 21, 1994, we diligently reduced to practice the subject matter claimed in the present application, including a method for preparing an electrochromic device, comprising the steps of: providing at least one substrate; and providing a substantially non-weeping gel, wherein the substantially non-weeping gel results from cross-linking polymer chains having a molecular weight of at least approximately 1,000 daltons, and wherein the polymer chains are formed prior to cross-linking by polymerization of at least one monomer.

9. Experimentation associated with Examples 1-12 of United States Patent No. 5,679,283 was carried out at least as early as July 21, 1994.

10. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18 of the United States Code §1001, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Dated: 5/25/2010

William L. Tonar

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